

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO 8518 OF 1998

WITH

SPECIAL CIVIL APPLICATION No 8603 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAVINDRA VALLABHBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PR ABICHANDANI for Petitioner

NOTICE SERVED BY DS for Respondent No. 1, 4

MR SN SHELAT ADDL. A.G.with MR SP HASURKAR, Addl.G.P.

with Mr. P.B.Bhatt, Asstt.G.P. for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 19/01/99

ORAL JUDGEMENT

The petitioner in both these petitions are police inspectors and were posted at Gaekwad Haveli Police Station and Kagdapith Police Station respectively. Under the impugned orders, both these police officers have been transferred to the Police Training College, Junagadh.

2. It is the claim of the petitioners that the orders of transfer are actuated by mala fide and there is no valid reason for transferring the petitioners. It appears that on 3rd October, 1998, some raids were carried on in the areas covered under the above referred two police stations and some other areas by the Commissioner of Police under the instructions of the Minister of State (Home). Certain gambling activities were detected during the said raids which were earlier not detected by the concerned police officers. An inquiry was ordered in this regard particularly with a view to ascertaining whether the said gambling activities were carried on with the connivance of the concerned police officers. Pending preliminary inquiry, with a view to ensuring an impartial inquiry, the petitioners were transferred as aforesaid. Pending these petitions, inquiry has been completed and report has been submitted by the Joint Commissioner of Police, Crime Branch who was entrusted the inquiry, on 15th January, 1999. The report which was kept in sealed cover has today been produced before the Court by the learned Addl. G.P. Mr. Hasurkar.

3. It would, therefore, be just and proper and in the interest of justice that the Director General of Police shall consider the said report and decide whether disciplinary action shall be initiated against the petitioners and whether they should be continued at the police training college, Junagadh. In the event the Director General of Police comes to the conclusion that neither such gambling activities were carried on with the connivance of the petitioners nor they were negligent in discharging their duties, he shall consider the cancellation of the transfer of the petitioners to the Police Training College, Junagadh. In such eventuality, the petitioners may be posted either at their original posting or at any place in or around Ahmedabad. This exercise shall be completed within a period of one week from the date of receipt of copy of this order. Petitions are allowed to the aforesaid extent. Rule nisi issued in each of the petitions is made absolute accordingly. There shall be no order as to costs.

21.1.1999. (Ms. R.M.Doshit,J.)

Vyas